



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

North Ayrshire Council Meeting

13 February 2019

VOLUME OF MINUTES

From 11 December 2018- 30 January 2019

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Cabinet
11 December 2018

IRVINE, 11 December 2018 - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

Present

Joe Cullinane, John Bell, Robert Foster, Alex Gallagher, Louise McPhater and Jim Montgomerie.

Also Present

Scott Davidson, Tom Marshall, Davina McTiernan and Donald L. Reid.

In Attendance

C. Hatton, Chief Executive; L. Friel, Executive Director (Finance and Corporate Support); K. Yeomans, Executive Director and G. Robson, Senior Employability and Skill Manager (Economy and Communities); Y. Baulk, Head of Service (Physical Environment), R. McCutcheon, Head of Service (Commercial) and R. McGilvery, Housing Operations Manager (Place); A. Fraser, Head of Service (Democratic Services), J. Hutchieson, Communications Officer and H. Clancy, Committee Services Officer (Chief Executive's Service).

Chair

Joe Cullinane in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of the meeting of the Cabinet held on 13 November 2018 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Millport Coastal Flood Protection Scheme and Millport Timber Pier

Submitted report by the Head of Commercial Services (Place) on (a) the development of three options, for the Millport Coastal Flood Protection Scheme and to seek agreement to undertake public consultation on the recommended preferred solution; and (b) to provide an update on the Millport Pier. The preferred solution – Option 2 is attached at Appendix 1 to the report.

Members asked questions and were provided with further information in relation to:-

- support to be provided by Millport Pier and Flood Protection Working Group to help local groups to help seek external funding sources; and
- the progression of Option 2 which would support the Ayrshire Growth Deal bid for Marine Tourism by providing a sheltered inner harbour environment at Millport that could allow for the future development of a community marina.

The Cabinet agreed (a) to note the work carried out to date in developing three potential design options for the proposed Millport Coastal Flood Protection Scheme; (b) to note the preferred solution – Option 2, as outlined in Appendix 1 to the report; (c) to the realignment of £1.5m capital investment between the Upper Garnock Flood Prevention Scheme and the Millport Coastal Flood Prevention Scheme; (d) to note the remaining £1.58m additional investment required for Millport Flood Prevention Scheme; (e) that officers undertake community engagement on the recommended preferred solution; (f) to note the update information provided on the Millport pier; (g) that officers will continue to work with the local community with regards to their aspirations for coastal tourism through the Ayrshire Growth Deal; and (h) to receive further progress updates on the Millport Coastal Flood Protection Scheme after the public engagement events in early 2019.

4. Review of the North Ayrshire Housing Allocation Policy

Submitted report by the Head of Physical Environment (Place) on the North Ayrshire Common Housing Allocation Policy, with the Policy attached at Appendix 1 to the report.

Members asked a question and were provided with further information in relation to applicants for sheltered and amenity housing who would be reassessed based on their housing need, resulting in increased points for some applicants due to other housing factors, such as overcrowding, under occupancy and sharing.

The Cabinet agreed to (a) note the changes to allocation and tenancy rules introduced by the Housing (Scotland) Act 2014; (b) approve the revised North Ayrshire Common Housing Allocation Policy at Appendix 1 to the report; (c) approve the proposal that in cases where owners occupy the property they own, the Allocation Policy should not take property ownership into consideration when allocating properties and determining priority; (d) approve the removal of the Council's Sheltered and Amenity policy to ensure legal compliance; and (e) request that officers review the Allocation Policy within three years of its implementation on 1 May 2019.

5. Self-Build Housing in North Ayrshire

Submitted report by the Head of Physical Environment (Place) on a pilot project to stimulate the self-build housing market in North Ayrshire.

The Cabinet agreed to approve the implementation of servicing works to create six self-build plots for sale on the site of the former Brisbane Primary School, the servicing costs to be funded by re-profiling existing capital budgets which, along with the land value for plot, will be recouped from the purchasers following construction of their self-build units on the plots.

6. HOME: Home Ownership Made Easy

Submitted report by the Head of Physical Environment (Place) on the implementation of a new housing delivery model, on a pilot site in Largs, to provide an affordable housing solution for those facing challenges securing access to private or social rented housing.

Members asked a question and were provided with clarification that the project would be supported and managed by North Ayrshire Council.

The Cabinet agreed to approve the (a) preparation and implementation of a marketing campaign to promote the scheme; (b) submission of a planning application and technical consents for the proposal, on the site of the former St Mary's Primary School, Largs; and (c) construction of 33 units financed from the Council's General Fund on the basis that the construction and lifecycle costs would be met from the returns from the HOME model, and procurement of a contractor for the construction of the development, subject to the successful outcome of both (a) and (b) above.

7. Disability Employment/Hazeldene Horticulture Public Social Partnership

Submitted report by the Executive Director (Economy and Communities) on the managed wind up of the Hazeldene Public Social Partnership (PSP), in lieu of the implementation of a new Supported Employment Service.

Members asked a question and were provided with clarification that the financial deficit expected in 18/19 would be shared between North Ayrshire Council and Cunninghame Housing Association.

The Cabinet agreed to (a) note the update provided on the current Public Social Partnership that supports Hazeldene Horticulture; (b) approve the proposal to end the current Public Social Partnership arrangements with Cunninghame Housing and inform Cunninghame Housing Association of this decision; (c) note the development of a new Supported Employment Service, which will provide a service to far more disabled residents each year; and (d) approve the other plans in place to mitigate any negative impact from the wind up of the PSP.

The Meeting ended at 3.05 p.m.

Licensing Committee
9 January 2019

IRVINE, 9 January 2019 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Ronnie McNicol, Robert Barr (Item 4.3 onwards), John Easdale, Jean McClung, Davina McTiernan and Angela Stephen.

In Attendance

W. O'Brien, Solicitor, (Licensing), D. Robertson, Enforcement Officer and A. Toal, Administrative Assistant (Legal Services); and A. Little, Committee Services Officer (Chief Executive's Service).

Also in Attendance

Inspector David Cameron and Sergeant David Dougan (Police Scotland).

Chair

Councillor McNicol in the Chair.

Apologies

Todd Ferguson and Scott Gallacher.

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillors McTiernan and Stephen declared an indirect, non-pecuniary interest in Items 4.6 and 5, the circumstances being that the applicants were personally known to them, and left the meeting for those items of business.

The Chair agreed, in terms of Standing Order 9.4, to vary the order of business to allow consideration of Agenda Item 5 - Landlord Report immediately prior to Appendix B of Agenda Item 4 (Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters).

2. Minutes

The Minutes of the meetings held on 28 November and 10 December 2018 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Review and Fixing of Taxi Scales (Civic Government (Scotland) Act 1982, Sections 17 to 18A)

Submitted report by the head of Democratic Services on the proposed timetable for the Review and Fixing of Taxi Scales in accordance with Section 17 (4A) of the Civic Government (Scotland) Act 1982 (as amended by the Criminal Justice and Licensing (Scotland) Act 2010).

The Committee agreed to (a) approve the timetable for the review process as set out in the appendix to the report; and (b) to meet with the trade to carry out Trade Consultation (Stage (a)) on a suitable date.

2. Exclusion of the Public

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public, for the remaining items of business on the grounds that they involved the likely disclosure of Exempt Information as defined in Section 50J of, and Schedule 7A to, the Local Government (Scotland) Act 1973.

The ' Exempt Information' concerned is information of the type described in one or more of Paragraphs 3, 6, 14 and 15 of Part 1 of Schedule 7A to the Act:

3. "Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority."
6. "Information relating to the financial or business affairs of any particular person (other than the authority)."
14. "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."
15. "The identity of a Protected Informant" - where "Protected Informant" is defined in Part III as a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance."

4. Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters

Submitted report by the Head of Democratic Services on hearings to be determined and applications for the grant or renewal of licences, consents and permits, on hearings and on other matters, under the Civic Government (Scotland) Act 1982 and other Licensing legislation.

Appendix A: Hearings

4.1 Taxi Driver's Licence: TDL/00893 (Renewal) - William Gillies

The licence holder, having been duly cited, was present. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. The representatives from Police Scotland then addressed the Committee on the terms of their objections.

The licence holder addressed the Committee on the issues raised and responded to questions.

The licence holder and representatives from Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor Easdale, seconded by Councillor McTiernan moved that the application be granted in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

4.2 Taxi Driver's Licence: TDL/01754 (New) - Derek Boyd

The applicant, having been duly cited, was present. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of their objections.

The applicant addressed the Committee on the issues raised and responded to questions.

The applicant and representatives from Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor Easdale, seconded by Councillor McClung moved that the application be granted in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

4.3 Taxi Driver's Licence: TDL/02141 (New) - Brian McNamee

The Committee, at its meeting on 28 November 2018, agreed on the basis of the information presented, to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited, was present. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of their objections.

The applicant addressed the Committee on issues raised and responded to questions.

The applicant and representatives from Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor Easdale, seconded by Councillor McTiernan moved that the application be granted in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

4.4 Taxi Driver's Licence: TDL/02145 (New) - Steven Arrol

The Committee, at its meeting on 28 November 2018, agreed on the basis of the information presented, to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited, was present. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of their objections.

The applicant addressed the Committee on issues raised and responded to questions.

The applicant and representatives from Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor Barr, seconded by Councillor McNicol moved that the application be refused, in terms of Paragraph 5 (3) (a) (ii) of the Civic Government (Scotland) Act 1982 on the grounds that the applicant was not a fit and proper person to be the holder of the licence. There being no amendment, and with Councillor Easdale abstaining, the motion was declared carried.

4.5 Taxi Driver's Licence: TDL/02138 (New) - Nicola Drummond

The Committee, at its meeting on 28 November 2018, agreed on the basis of the information presented, to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited, was present. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of their objections.

The applicant addressed the Committee on issues raised and responded to questions.

The applicant and representatives from Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor Easdale, seconded by Councillor McTiernan moved that the application be granted in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

4.6 Window Cleaner's Licence: WCL/005 (New) - Partnership of James McCallum, Jamie McCallum, Ewan McCallum

The Committee, at its meeting on 28 November 2018, agreed on the basis of the information presented, to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicants, having been duly cited, were present. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland the addressed the Committee on the terms of their objections.

The applicants addressed the Committee on the issues raised and responded to questions.

The applicants and representatives from Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to grant the application in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years.

The representatives from Police Scotland left the meeting at this point.

4.7 Taxi Driver's Licence: TDL/01665 - Margaret Wardrop

The Committee, at its meeting on 28 November 2018, agreed on the basis of the information presented, to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence holder, having been duly cited, was present.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. The Council's Enforcement Officer outlined two incidents where the licence holder had failed to adhere to the licence conditions in respect of the Council's Dress Code.

The licence holder addressed the Committee on the issues raised and responded to questions.

Decision

The Committee unanimously agreed to take no action at this time.

4.8 Landlord Registration under the Antisocial Behaviour etc (Scotland) act 2004, Part 8

At its meeting on 28 November 2018, the Committee considered an application to revoke a Rent Penalty Notice. The Committee at that time agreed to continue the application to revoke the Rent Penalty Notice to the next meeting to allow for the proceedings to end the Assured Tenancy to commence; and (b) that meantime the Rent Penalty Notice should remain in place.

The Registered Landlord (A.M.) was present.

The Solicitor (Licensing) updated the Committee on events since the matter was last considered by the Committee. He advised the Committee that the Notice to Quit and Notice of Proceedings had been initiated, and that the tenant had stated that she was leaving the property on 20 January 2019.

The Committee agreed to delegate authority to the Solicitor (Licensing) to revoke the Rent Penalty Notice on confirmation from the Anti-Social Behaviour Team that the tenant had either left the property of her own accord or had been evicted.

Appendix B: Applications for Licences/Renewal of Licences

4.9 SHDL/132 (Renewal) - MLD Zambonini Ltd

The Committee unanimously agreed, on the basis of the information presented to proceed to a hearing, in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.10 SHDL/202 (New) - Dean Nimmo

The Committee unanimously agreed, on the basis of the information presented to proceed to a hearing, in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.11 SHDL/203 (New) - Lyndsey McSkimming

The Committee unanimously agreed, on the basis of the information presented to proceed to a hearing, in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.12 TDL/01168 (New) - Paul McPherson

The Committee unanimously agreed, on the basis of the information presented to proceed to a hearing, in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.13 TDL/01470 (New) - Kerr Chapman

The Committee unanimously agreed that the application be granted in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

4.14 TDL/02142 (New) - John Hart

The Committee unanimously agreed that the application be granted in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

4.15 TL/116 (Renewal) - Kevin Blades

The Committee unanimously agreed that the application be granted in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years.

4.16 WCL/015 (New) - George Kearney

The Committee unanimously agreed, on the basis of the information presented to proceed to a hearing, in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.17 WCL/018 (New) - John Priestly

The Committee unanimously agreed, on the basis of the information presented to proceed to a hearing, in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

5. Urgent Items

The Chair agreed that the following items be considered as a matter of urgency to allow the matters to be actioned without delay.

5.1 Specification for Taxis and Private Hire Cars

The Committee was advised of an enquiry from a prospective Licence applicant concerning the wheelchair accessibility specification for taxis and private hire cars and whether the obligation to have a wheelchair accessible vehicle should apply to both taxis and private hire cars, or whether the obligation should apply only to taxis.

The Committee agreed that the specification policy for taxis and private hire cars should remain unchanged and that the obligation to have a wheelchair accessible vehicle should apply to new licences for both taxis and private hire cars.

5.2 Late Hour Catering Licence: LHCL/115 (Variation) - A G Restaurants Ltd

At its meeting on 2 October 2018, the Committee considered an application for a variation to a late hours catering licence. The Committee agreed to grant the application subject to (i) the Council's standard conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (ii) an additional condition that appropriate security staff be on the premises during the hours of 01:00 – 05:00 on each Friday and Saturday night for 3 months after the variation is effective.

The Committee was advised that there have been no reports or objections from Police Scotland during the 3 months period. The additional condition relating to security staff had now ended and would therefore not be extended.

The meeting ended at 12.20 p.m.

Cabinet
15 January 2019

IRVINE, 15 January 2019 - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

Present

John Bell, Robert Foster, Alex Gallagher, Louise McPhater and Jim Montgomerie; and Iain, Haining, Elizabeth Higon and Babs Mowat (Church Representatives); Gordon Smith (Teaching Representative); and Jaymie Haswell and Chloe Robertson (Youth Representatives) (Agenda Items 1-5).

Also Present

Davina McTiernan and Ronnie McNicol.

In Attendance

L. Friel, Executive Director and D. Forbes, Senior Manager (Finance and Corporate Support); K. Yeomans, Executive Director, C. McAuley, Head of Service (Economic Growth) and A. Sutton, Head of Service (Connected Communities) (Economy and Communities); S. Brown, Director (Health and Social Care Partnership); C. Amos, Head of Service (Inclusion) (Education and Youth Employment); R. McCutcheon, Head of Service (Commercial), D. Hammond, Senior Manager and C. Dempster, Team Manager (Place); and A. Fraser, Head of Service (Democratic Services), A. Todd, Policy and Performance Officer, M. Sugden, Communications Officer and H. Clancy, Committee Services Officer (Chief Executive's Service).

Chair

John Bell in the Chair.

Apologies

Joe Cullinane and Craig Hatton

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of the meeting of the Cabinet held on 11 December 2018 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Early Learning and Childcare Expansion Programme

Submitted report by the Head of Service (Inclusion) on the Statutory Public Consultation proposal to close Garnock Valley Early Years Centre and re-locate the provision at St. Bridget's Primary Early Years Class. The Proposal Document was set out at Appendix 1 to the report.

The Cabinet agreed to (a) approve the commencement of Statutory Public Consultation on the proposal to relocate Early Learning and Childcare (ELC) provision at Garnock Valley Early Years Centre (GVEYC) to a newly refurbished provision for 2-5 year olds at St. Bridget's Primary Early Years Class; (b) approve the issue of the Proposal Document set out at Appendix 1 to the report ; (c) invite all interested parties to make written representation on the proposal to the Head of Service (Inclusion), Education and Youth Employment no later than 12 noon on 8 March 2019; and (d) receive a report on the responses to the consultation at a future meeting of the Cabinet.

4. Proposed Development of a new Education and Community Provision in Ardrossan

Submitted report by the Head of Service (Inclusion) on the early engagement with the Ardrossan Community and other relevant stakeholders to develop proposals to replace the existing Ardrossan Academy and Winton Primary School with a modern, fit-for-purpose educational facility. The Stakeholder Engagement Plan was set out at Appendix 1 to the report.

The Cabinet agreed to authorise officers to (a) develop proposals for a community campus to potentially include Ardrossan Academy, Winton Primary School and an Early Years Centre, as well as accommodating the pool and fitness suite presently at Auchenharvie Leisure Centre in Stevenston, accommodation for Health and Social Care Partnership employees and the present Ardrossan Library; (b) undertake early engagement with the Ardrossan community and other stakeholders to obtain their views as outlined in a stakeholder engagement plan set out at Appendix 1 to the report; and (c) submit proposals to a future meeting of Cabinet, informed by the early engagement process, outlining the recommended options for the new development within a financially sustainable business case.

5. Moorpark Primary School, Kilbirnie – Proposed New Site

Submitted report by the Head of Service (Inclusion) on the preferred site for the new school. The agreed criteria, weightings and scores from the cross-service group meetings were set out at Appendix 1 to the report.

The Cabinet agreed to approve the preferred site for the new school as detailed in the report.

6. Quarter Two 2018/19 Progress Report – Directorate Plan Performance

Submitted report by the Chief Executive on the progress of the 2018/19 Directorate Plans as at 30 September 2018. The Directorate performance reports were set out at Appendices 1-6 to the report.

Members asked questions and were provided with further information in relation to:-

- the targeted groups within the Number Sense intervention that had increased scores by an average of 29%, whilst the rest of the learners had only increased by 8%; and
- preparation for the Best Value audit.

The Cabinet agreed to (a) approve the performance of all Directorates as at 30 September 2018 against the priorities in the 2018/19 Directorate Plans; and (b) refer the report for consideration by the next meeting of the Audit and Scrutiny Committee.

7. Revenue Budget 2018/19: Financial Performance to 30 November 2018

Submitted report by the Executive Director (Finance and Corporate Support) on the financial performance for the Council at 30 November 2018. Service Financial Performance details were set out at Appendices 1 – 7, the Housing Revenue Account at Appendix 8, a schedule of the budget transfer, or virements, at Appendix 9 and the Health and Social Care Partnership financial performance at Appendix 10 to the report.

Members asked a question and were provided with clarification on the use of capital receipts to meet severance costs arising from service transformation.

The Cabinet agreed to (a) note the information and financial projections outlined in the report; (b) approve the earmarking of £0.130m identified at section 2.5 of the report (i) to meet future year commitments; (c) note the current financial projection for the Health and Social Care Partnership set out at section 2.6 of the report and request confirmation of actions to secure financial balance in 2018/19; (d) approve the virements detailed in Appendix 9 to the report; and (e) approve the application of capital receipts to meet severance costs arising from service transformation.

8. Capital Programme Performance

Submitted report by the Executive Director (Finance and Corporate Support) on the progress in delivering the Capital Investment Programme as at 30 November 2018. The progress of all projects was set out at Appendix 1 and the Housing Revenue Account set out at Appendix 2 to the report.

The Cabinet agreed to (a) approve the revisions to budgets outlined in the report; and (b) note (i) the General Services and HRA expenditure and revised budgets to 30 November 2018 and (ii) the forecast of expenditure to 31 March 2019.

9. Estate Based Regeneration Programme

Submitted report by the Head of Service (Place) on the investment programme to deliver regeneration across the Council housing estate portfolio with the proposed 10 year Estate Based Regeneration Programme set out at Appendix 1 to the report.

The Cabinet agreed to (a) approve the principle of the projects within the Estate Based Regeneration Programme detailed within Appendix 1 to the report; (b) approve the implementation of the specific projects in years one to three of the Programme; and (c) an annual review of the Programme.

10. The Rural Economy and Connectivity Commission Consultation on the Restricted Roads (20 mph Speed Limit) (Scotland) Bill

Submitted report by the Head of Service (Place) on the response to the Rural Economy and Connectivity Commission's consultation on the Restricted Road (20mph Speed Limit) (Scotland). A draft response was set out at Appendix 1 to the report

Members asked a question and were provided with clarification on the estimated costs of introducing 20 mph speed limits in terms of replacing the necessary signage and road markings to comply with the proposed new speed limit.

The Cabinet agreed to approve the draft response to the Rural Economy and Connectivity Commission on the Restricted Road (20mph Speed Limit) (Scotland) Bill consultation detailed at Appendix 1 to the report.

11. Active Travel and Transport External Funding 2019/2020

Submitted report by the Executive Director (Economy and Communities) on the external funding applications for a range of active travel and transport projects for implementation in 2019/20. The Active Travel and Transport Priorities were set out at Appendix 1 to the report.

The Cabinet agreed to (a) approve the submission of external funding applications for active travel and transport projects; and (b) receive a further report on the outcome of the applications at a future meeting of the Cabinet, to allow the acceptance and expenditure of any grant offers.

12. Review of Libraries and Community Centres

Submitted report by the Executive Director (Economy and Communities) on the themes which have been developed in relation to new ways of working with our network of community centres and libraries through the Communities short life working group. The Community Facilities Engagement Mandate was set out at Appendix 1 to the report.

Members asked a question and were provided with clarification on the themes which have been developed in relation to new ways of working with the network of community centres and libraries due to the significant challenges identified within the Council's medium-term financial outlook.

The Cabinet agreed (a) to approve the approach to engaging with communities on the future operation of libraries and community centres outlined at sections 2.12 to 2.15 of the report, in the context of the significant challenges identified within Council's medium-term financial outlook; (b) to approve the engagement mandate, which would be tailored to the specific circumstances and relationships in each community, based on the principles set out at Appendix 1 to the report; (c) to further update reports being provided to future meetings of the Cabinet; and (d) that related "business as usual" activities continue, acknowledging that work with communities was not static and continually present many opportunities to improve Council's approach.

13. Gaelic Language Plan

Submitted report by the Executive Director (Economy and Communities) on the High Level Aims for North Ayrshire's second Gaelic Language Plan, with the High Level Aims set out at Appendix 1 to the report.

Members asked a question and were provided with further information in relation to the Gaelic Grant of £67,000 from the Scottish Government to support activities in 2018/19.

The Cabinet agreed to (a) approve the draft High Level Aims; and (b) remit officers to continue to work with Bòrd na Gàidhlig on the development of the refresh of North Ayrshire Gaelic Language Plan due in 2019.

The Meeting ended at 3.25 p.m.

Police and Fire and Rescue Committee
22 January 2019

IRVINE, 22 January 2019 - At a Meeting of the Police and Fire and Rescue Committee of North Ayrshire Council at 2.00 p.m.

Present

Donald L. Reid, Ellen McMaster, Davina McTiernan, Jimmy Miller and Angela Stephen.

In Attendance

D. McDowall, Solicitor (Litigation) and D. McCaw, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Chief Superintendent P. Main and Chief Inspector B. Shaw (Police Scotland); and Area Manager J. Scott, Group Manager K. Hankinson and Station Manager S. Corrigan (Scottish Fire and Rescue Service).

Chair

Councillor Donald L. Reid in the Chair.

Apologies

Todd Ferguson and John Glover.

1. Chair's Remarks

The Chair advised on the forthcoming retirement of Chief Superintendent Paul Main. He referred to Chief Superintendent Main's long and varied career and took the opportunity to thank him for his contribution to the work of the Committee, wishing him well in his retirement and with new opportunities.

The Chair also welcomed David McDowall and Station Manager Corrigan to their first meeting of the Committee.

2. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

3. Minutes

The accuracy of the Minutes of the Ordinary Meeting of the Committee held on 20 November 2018 was confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973, subject to the amendment of "Also In Attendance" to replace Inspector J. Convery with Inspector C. Convery.

4. Chair and Vice Chair Verbal Updates

The Chair provided a verbal report on his attendance at the Police Scotland Youth Volunteer event in December 2018. The event included marches and a slide show of activities carried out over a 12 week period. The volunteers are now able to provide support at community events across North Ayrshire.

The Chair intimated the thanks of the Committee to PC Bysouth who organised the event and worked with the volunteers.

Noted.

4.1 Performance Report: Scottish Fire and Rescue Service

Submitted report by the Scottish Fire and Rescue Service (SFRS) which provided an update on progress in Quarter 3 against the North Ayrshire Local Fire and Rescue Plan and gave other key Fire and Rescue updates. A copy of the North Ayrshire Performance report from 1 April 2018 to 31 December 2018 was set out in Appendix 1 to the report.

The report identified a 1% increase in activity levels across North Ayrshire compared with the corresponding period in 2017, and a 4% increase in terms of the preceding three year average. False alarms accounted for 50% of all activity within North Ayrshire, with fire related activity and special service activity accounting for 37% and 13%, respectively. Review of performance against the six agreed performance indicators noted that 3 indicators were above the 3 year average due to a rise in activity, one had seen a reduction in the respective three year average of more than 5% and a further 2 indicators had reduced by less than 5%.

On 13 December 2018, the SFRS published the independent analysis of the 'Your Service Your Voice' consultation which received 1563 responses from the public, stakeholders and SFRS employees and was attached at Appendix 2 to the report.

The report also detailed the announcement that Deputy Chief Officer (DCO) Martin Blunden had been selected to take over from Chief Officer Hay, taking up formal duties on 15 February and becoming the accountable officer. Officer Hay would retire at this point.

Members asked questions, and received clarification, on the following:-

- deliberate fire setting in the Stevenston area and a way forward in partnership with Police Scotland;
- engagement by Chemring Energetics Ltd with SFRS on the possibility of a fire reach course;
- the issue of youth disorder in this area of Stevenston;
- the regular educational visits to schools which SFRS undertake to highlight dangers, the intention being also to build this into the Easter thematic action plan;
- partnership links to education in schools through the campus cops and the locality policing teams;

- the success of previous social media campaigns run by young people in other Local Authority areas and the possibility of taking this approach in North Ayrshire in future;
- the rise in 'special services' activity due to the increasing support provided by SFRS with regard to health and wellbeing; and
- comments within the 'Your Service Your Voice' consultation response in relation to the proposed changes to the workload of the fire service, and the consultation's low response rate.

Noted.

4.2 Performance Report: Police Scotland

Submitted report by Police Scotland on performance in relation to the North Ayrshire Local Police Plan for the period from 1 April 2017 to 31 December 2018.

The report provided details of North Ayrshire's performance, including a reduction in terms of total crime, a rise in the demand on services this year due to the 1.8% increase in incidents and approximately 5% increase in priority 1 and 2 calls. Contextual information was provided in respect of domestic abuse incidents, reporting of hate crime, an increase in violence, disorder and antisocial behaviour, serious organised crime, terrorism and domestic extremism, protecting people at risk from harm (including the increase in reporting of sexual crimes which is in line with other areas of Ayrshire and elsewhere in Scotland), road safety and road crime, public confidence and house breakings.

The report also provided information on the National Festive Drink/Drug Campaign 2018 from 1 December 2018-2 January 2019. Results and detections over the festive period indicate that many across North Ayrshire continue to drive while over the prescribed limit.

Chief Superintendent Main and Chief Inspector Shaw also reported verbally on:-

- the slight increase in domestic incidents with numbers moving closer to the Scottish Average;
- an increase in hate crime reporting attributable to engagement with minority groups;
- that the statistics for hate crime within the report were from April-November and not to September;
- challenges in relation to the increase in robberies;
- the slight decrease in drug supply detections and issues in relation to cocaine use in licensed premises; and
- data in respect of Police complaints and user satisfaction.

Chief Superintendent Main further advised that Joe McKerrans would attend the next meeting of the Committee to provide information around Police complaints with Chief Inspector Shaw.

Members asked questions, and received clarification, on the following:-

- staffing pressures around the increase in sexual offending reporting (including historic cases);
- age profiles in relation to inappropriate behaviour and grooming;
- concern around the increase in instances of driving while using mobile phones and failure to wear a seatbelt;
- the fact that the majority of complaints against the Police are concluded via dialogue and explanation;
- the lack of available figures to date in relation to the increases to alcohol unit pricing and any impact this may have had in terms of reducing violence; and
- whether purer cocaine creates a quicker addiction in users.

Noted.

The meeting ended at 3.30 p.m.

Audit and Scrutiny Committee
29 January 2019

IRVINE, 29 January 2019 - At a Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 10.00 a.m.

Present

Marie Burns, Margaret George, Joy Brahim, Tom Marshall and Donald Reid.

Also Present

Davina McTiernan.

In Attendance

C. Hatton, Chief Executive, L. Friel, Executive Director, M. Boyd, Head of Finance, P. Doak, Senior Manager (Internal Audit, Risk and Fraud), D. Miller, Complaint and Feedback Manager, R. Kennedy, Benefit Services Team Leader and A. Fox, Digital Team Manager (Finance and Corporate Support); K. Yeomans, Executive Director, C. McAuley, Head of Service (Economic Growth) and L. Kirk, Active Travel and Transport Manager (Economy and Communities); Y. Baulk, Head of Physical Environment and R. McGilvery, Housing Operations Manager (Place); A. McClelland, Head of Service (Learning, Teaching and Curriculum) (Education and Youth Employment); E. Currie, Principal Manager (Finance) (Health and Social Care Partnership); and A. Fraser, Head of Democratic Services, A. Todd, Senior Policy and Performance Officer and A. Little, Committee Services Officer (Chief Executive's Service).

Also in Attendance

Jim McKerrell and Amanda Connelly (TOA Taxis).

Chair

Councillor Burns in the Chair.

Apologies

Alan Hill and John Sweeney.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the meeting of the Audit and Scrutiny Committee held on 20 November 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Petition – Bus Lane, Stevenston

Submitted report by the Chief Executive on the terms of a petition of 518 signatures received in support of a request from TOA Taxis “to amend the Traffic Order to a Bus, Taxi and Cycle Lane in line with every other Scottish Council and allow Hackney Licensed Taxis to use the lane at Kilwinning Road, Stevenston”.

A briefing paper, attached at Appendix A to the report, provided background information on the Quality Public Transport Corridor between Ardrossan and Kilmarnock that included the creation of a bus lane on the A738 Kilwinning Road, Stevenston between the Pennyburn and Hayocks roundabouts. Requests from TOA Taxis to amend the Traffic Regulation Order (TRO) to enable taxis to use the bus lane were rejected in 2008 and 2018 and the reasons for this were outlined within the paper. Information on traffic surveys undertaken on 5 and 8 January 2019 was detailed at Appendix B to the report. The briefing paper also outlined the options available to the Council, namely (a) to uphold the previous decisions and reject the request or (b) pursue the inclusion of taxis within the bus lane.

The principal spokesperson, Mr McKerrell (TOA Taxis) stated that the retail park at Hawkhill had grown in size, attracting more customers, and whilst the area is served by bus services, there is no direct bus service from Hayocks or the lower part of Stevenston to the retail park. Residents from these areas who use buses therefore rely on taxis to transport them to and from the retail park. The request to use the bus lane would not require to be for the whole bus lane corridor but for the area from the cemetery to Hawkhill roundabout.

Mr McKerrell questioned the survey results which did not match TOA records of the taxi journeys to and from the retail park during this time. He commented that there is lower usage of taxis in January following the festive period. He felt the general public should be asked for their views because they are meeting the cost of longer journeys to and from this area.

Ms Connelly (TOA Taxis) referred to licensing guidance provided by the Scottish Government, that stated that waiting times and peaks in demands should be taken into consideration by the local authority. Short journeys in this area should take around 10 minutes, however due to traffic congestion, the journeys to and from the retail park can take 20 minutes. Drivers are taking their meal/breaks at the peak times (3pm- 6pm) in order to avoid the congestion in this area, making it difficult to meet customer demand.

Taxi drivers from other areas who are not aware of the restrictions at Hawkhill, use the bus lane believing they are permitted to do so. Mr McKerrell suggested allowing Hackney Licenced Taxis to use the bus lane from the cemetery to Hawkhill roundabout for a trial period, during which time he would monitor usage of this part of the bus lane by his drivers.

Members asked questions and were provided with further information in relation to:-

- TOA Taxis' provision of almost 50% of Hackney Taxis in area 2 of North Ayrshire;
- private hire cars which have to be prebooked and cannot pick up hires from the street or taxi stance;
- the terms of the petition, which did not include use of the bus lane by private hire cars;
- the visible roof sign on TOA Taxis which makes them clearly identifiable to customers, albeit roof signs were not universal to all North Ayrshire taxis; and
- customers' understanding of whether they were booking a taxi or private hire car.

The Active Travel and Transport Manager provided background information on the creation of the bus lane between the Pennyburn and Hayocks roundabouts, previous requests from TOA to amend the TRO to allow use of the bus lane, concerns and potential objections raised by SPT, objections from Stagecoach West Scotland and the reasons for refusal of these requests. The traffic survey undertaken in January 2019 detailed the number of taxis and buses that entered and exited Hawkhill Retail Park and recorded a greater number of Private Hire cars than Hackney taxis.

Options available to the Council were outlined and included (a) uphold the previous decisions and reject the request to allow taxis to use the bus lane on the basis of the previous positions and (b) pursue the inclusion of taxis within the bus lane through the promotion of a modification to the Traffic Regulation Order by (i) promoting an Experimental TRO or (ii) promoting an amendment to the existing TRO.

Members asked questions and were provided with further information in relation to:-

- funding provided by SPT for the creation of the bus corridor and the historic wording of the TRO to exclude taxis and cyclists; and
- concerns and potential objections highlighted by SPT to the use of the bus lane corridor and that their position on a revised proposal by TOA to only use part of the bus lane from the cemetery to Hawkhill roundabout is not known at this time.

Councillor Brahim, seconded by Councillor George moved that the Committee remit to the relevant Officers to further investigate the Experimental Traffic Regulation Order option alongside complementary measures to improve the traffic flow and ease congestion within this localised area. (The outcome of this will be reported to Cabinet for a recommendation thereafter). There being no amendment, the motion was declared carried.

4. Quarter 2 Performance Report

Submitted report by the Chief Executive on the progress of the 2018/19 Directorate Plans as at 30 September 2018, including a number of highlight which underpin the key priorities and areas for focus for the next 6 months. The reports for each Directorate were set out in Appendices 1 – 6 to the report.

Members asked questions and were provided with further information in relation to:-

Democratic Services

- corporate communications and staff engagement surveys which show a further increase in staff satisfaction with internal communication.

Economy and Communities

- information that will be provided to Members on the attendance of the Scottish Basic Income Feasibility Study Steering Group at the Basic Income Earth Network Congress at the University of Tampere; and
- the impact of Brexit on local companies.

Education and Youth Employment

- the further flexibility which secondary schools will have to design a curriculum model, in consultation with stakeholders, that reflects their own context, curriculum rationale and meets the needs of all learners; and
- PEF funding information that will be circulated to Members of the Committee.

Health and Social Care Partnership

- the red and amber status illustration for each authority in respect of emergency admissions and delayed discharges; and
- fluctuations in the care at home capacity lost due to cancelled hospital discharges that can be as a result of seasonal factors, staff availability and changes in the health of the individual.

The Committee agreed (a) that the Executive Director (Economy and Communities) provide information to Members on the attendance of the Scottish Basic Income Feasibility Study Steering Group at the Basic Income Earth Network Congress at the University of Tampere; (b) that the Head of Service (Learning, Teaching and Curriculum) provide information on PEF funding to Members of the Committee; (c) to continue to receive a presentation from each Executive Director on their Directorate report in future; and (d) to otherwise note the report.

5. Internal Audit Reports Issued

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of Internal Audit work completed during November and December 2018. Appendix 1 to the report detailed the areas where internal control reviews had been undertaken and provided the executive summary and action plan for each audit.

Noted.

6. Operational Budget Management

Submitted report by the Director of the Health and Social Care Partnership on the projected financial outturn for the financial year as at October 2018. Appendix A to the report provided the financial overview of the partnership position. Detailed analysis was provided in Appendix B, with full details of savings provided at Appendix C. Appendix D outlined the progress of the Recovery Plan and Appendix E highlighted the movement in the overall budget.

Members asked questions and were provided with further information in relation to:-

- work that is continuing to achieve a break even budget position; and
- challenges in attracting care at home staff as a result of the population demographics on Arran; and
- additional staffing required at Montrose House to meet demand.

The Committee agreed (a) that the Director (Health and Social Care Partnership) provide a presentation to the Committee on the budget for 2019/20, once funding levels have been agreed; and (b) to otherwise note the report.

7. Housing Services Annual Performance Update

Submitted report by the Head of Services (Physical Environment) which provided an overview of Housing Services' performance against the Scottish Government's Social Housing Charter indicators for 2017/18. Scotland's Housing Network's Performance Analysis Report was attached at Appendix 1 to the report. Appendix 2 detailed the key findings of the 2018 Tenant Satisfaction Survey undertaken in August 2018.

Members asked questions and were provided with further information in relation to:-

- a range of methods to communicate with tenants and efforts to encourage paperless methods;
- further information that will be provided on whether communication by email is available to tenants; and
- clarification that will be provided on the levels recorded for rent collection and rent arrears.

The Committee agreed (a) that the Housing Operations Manager provide information to Members on (i) whether email as a paperless option is available to tenants and (ii) clarification on rent collection and rent arrears levels; and (b) to otherwise note the report.

8. Brexit Quarterly Update

Submitted report by the Chief Executive on the work the Council is doing in preparation for Brexit and the risks to North Ayrshire associated with a Negotiated Deal and a No Deal Brexit. The Council's Brexit Preparedness document, detailing the main issues facing North Ayrshire and the actions or mitigations to be taken was attached at Appendix 1 to the report.

Noted.

9. Social Media and On Line Reporting

Submitted report by the Executive Director (Finance and Corporate Support) on the online reporting of faults and the communication of service disruption. The report outlined the issues that had been experienced with the Council's Report It App and Twitter and temporary and new solutions that are being developed to resolve these.

Noted.

10. Audit Scotland Housing Benefit Performance Audit Annual Update

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of Audit Scotland's review of Housing Benefit Performance for 2017/18. The full report had been circulated to Members on publication. Appendix 1 to the report outlined the key risks relating to business planning and performance reporting, accuracy levels and interventions.

Members asked questions and were provided with further information in relation to:-

- the calculation of the maximum deduction from a claimant's Benefit by the DWP for the recovery of overpayment of Housing Benefit, Tax Credit and Universal Credit; and
- an Affordability Test that is undertaken by the Housing Benefit Service to assess whether individuals could contribute more than the DWP assessment, towards settling the overpayment of Housing Benefit, or contribute over a longer period of time.

Noted.

11. 2018 Half Yearly Complaint Report

Submitted report by the Executive Director (Finance and Corporate Support) on the Council's complaint performance. Appendix 1 to the report provided statistical data and information on the range and volume of complaints at all stages of the complaints process.

Members asked questions and were provided with further information in relation to policy complaints that are not upheld where the service has followed the policy and the complaint relates to the policy rather than the service provided.

Noted.

The meeting ended at 12.15 p.m.

Licensing Committee
30 January 2019

IRVINE, 30 January 2019 - At a Special Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Ronnie McNicol, Robert Barr, John Easdale, Jean McClung, Donald L. Reid and Angela Stephen.

In Attendance

W. O'Brien, Solicitor, (Licensing), A. Toal, Administrative Assistant (Legal Services); and A. Little, Committee Services Officer (Chief Executive's Service).

Also in Attendance

Sergeant David Dougan and PC Elaine McArthur (Police Scotland).

Chair

Councillor McNicol in the Chair.

Apologies

Todd Ferguson, Scott Gallacher and Davina McTiernan.

1. Declarations of Interest

There were no declarations of interest in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors,

2. Exclusion of the Public

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public, for the remaining items of business on the grounds that they involved the likely disclosure of Exempt Information as defined in Section 50J of, and Schedule 7A to, the Local Government (Scotland) Act 1973.

The ' Exempt Information' concerned is information of the type described in one or more of Paragraphs 3, 6, 14 and 15 of Part 1 of Schedule 7A to the Act:

3. "Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority."
6. "Information relating to the financial or business affairs of any particular person (other than the authority)."
14. "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."
15. "The identity of a Protected Informant" - where "Protected Informant" is defined in Part III as a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance."

3. Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters

Submitted report by the Head of Democratic Services on hearings to be determined and applications for the grant or renewal of licences, consents and permits, on hearings and on other matters, under the Civic Government (Scotland) Act 1982 and other Licensing legislation.

Appendix A: Hearings

3.1 Taxi Driver's Licence

The licence holder, having been duly cited was not present, but had submitted a written statement that had been circulated to the Committee. The complainant was not present but had submitted a written statement that had been circulated to the Committee. Representatives from Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. He referred to statements and emails from the complainant and licence holder.

The representatives from Police Scotland then addressed the Committee on the terms of their investigation into the incident that had concluded no criminality had taken place.

Discussion took place on a range of different aspects of each of the statements and it was considered that further information was required from both the licence holder and the complainant.

The Committee agreed to continue consideration of the matter to a future Special Meeting, at a date convenient to the licence holder and complainant, to allow them both to participate in the meeting.

4. Urgent Items

The Chair agreed that the following items be considered as a matter of urgency to allow the matters to be actioned without delay.

4.1 Taxi Drivers and private Hire Car Drivers

The Committee was advised of current practice, which was that an Applicant who either had already attained the age of 70 years, or who would attain that age in the duration of the proposed Licence, should produce a letter from his/her General Practitioner confirming his/her fitness to drive.

The Committee noted that:

- (a) 'ordinary' Driving Licences issued by the Driver and Vehicle Licensing Agency (DVLA) record that the driver's entitlement extends to his/her 70th birthday; and

(b) entitlement beyond that age may be time-limited.

The Committee also noted that, as far as Licences granted by Licensing Authorities to Taxi Drivers and Private Hire Car Drivers were concerned, Section 13 of the Civic Government (Scotland) Act 1982 applied, and in particular Section 13(6):

"If a person holding a Licence under this section ceases for any reason to be authorised by law to drive on a road the vehicle to which the Licence relates, the Licence shall cease to have effect."

This means that when a driver with a Council Licence to drive a Taxi or Private Hire Car loses the driving entitlement under an 'ordinary' Driving Licence granted by DVLA, the Council Licence automatically ceases. This occurs whatever the reason for the loss of entitlement, e.g. a medical revocation or a disqualification imposed after motoring convictions.

The Committee decided that the current practice should be discontinued, and that instead Licences should contain this condition:

"Within 14 days after the Licence-Holder's 70th birthday, and within 14 days of each later birthday, the Licence-Holder must give the Licensing Office evidence that he/she continues to have a driving entitlement under the Road Traffic Acts (for example, by producing to the Licensing Office the current photocard part of the 'ordinary' Driving Licence issued by Driver and Vehicle Licensing Agency (DVLA))."

The Committee agreed that applicants, aged 70 years and over, submit their driving licence with their taxi driver application.

4.2 Window Cleaner Licence WCL/018 – John Priestly

The applicant, having been duly cited, was present and represented. Representatives from Police Scotland were in attendance

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of their objections.

The Solicitor (Licensing) provided a summary of the applicant's "Protected Convictions" and asked the Committee to determine whether justice could not be done except by having regard to the applicant's "Protected Convictions" in terms of the Rehabilitation of Offenders Act 1974, Section 7(3). The Committee agreed that justice could not be done except by having regard to the applicant's "Protected Convictions" and details of the "Protected Convictions" was then provided.

The applicant and his representative addressed the Committee on the issues raised and responded to questions.

The applicant, his representative and representatives from Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor Barr, seconded by Councillor Easdale moved that the application be granted in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

The meeting ended at 11.30 a.m.